

duly sworn, or affirmed, and having viewed the premises, we proceeded to estimate the quantity and quality of the land aforesaid, which would be occupied by the said rail road, the quantity of additional fencing or gates which would be required, and all other inconveniences which seem to us likely to result therefrom, to the said land. That we combined with these considerations, as far as we could a just regard to the advantages which would be derived by the proprietor of said land, from the opening of the said rail road through the same; that under the influence of these considerations, we have estimated and do hereby assess the damages aforesaid at the sum of _____ dollars. Given under our hands and seals this _____ day of _____. At the foot of the report so made, the magistrate before whom the said freeholders were sworn, or affirmed, shall make a certificate in substance as followeth. _____ county, set: I _____, a justice of the peace for said county, do hereby certify, that the above named freeholders, before they executed their duties as above certified, were solemnly sworn, (or affirmed) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which would be sustained by the above named _____ from the opening of the above mentioned rail road through his or her land, and that they would certify truly, their proceedings thereupon, to the court of said county. Given under my hand this _____ day of _____.

The report of the freeholders so made together with the certificate of the magistrate, aforesaid shall be forthwith returned by the freeholders to the court of said county; and unless good cause be shown against the report, it shall be confirmed by the court and entered of record; But, if the said report should be disaffirmed, or the said freeholders be unable to agree, should report their disagreement, the court may at its own discretion, as often as it may be necessary, supersede them—or any of them,—appoint others in their place, and direct another view and report to be made in manner above prescribed.

On the confirmation of any such report, and on the payment, or tender of payment of said damages into court, when for good cause shown, the court shall so have ordered it, the president and directors shall be at liberty to open the said rail road, upon the ground received and assessed by the freeholders aforesaid, the width of land thus to be condemned shall be one hundred feet.

4. Be it farther enacted, That when it shall become necessary to subject the land of individuals to the use of said company, in opening and constructing said rail road through the same, and the consent of the proprietor or proprietors cannot be obtained, it shall be lawful for the president and directors of said company, and for their superintendants, agents, contractors, labourers and servants, to enter upon such land and proceed in opening and constructing the said rail road through the same. The pendency of any proceedings in court, or before assessors or valuers, to ascertain the damages that will be sustained by the proprietor or proprietors of such land, from opening and constructing the said rail road through the same, shall, in no manner, hinder or delay the progress of the said work. The true intent and meaning of this act being, that all injury which may be done to any land, without the consent of the proprietor or proprietors thereof, by opening and constructing the said rail road through the same, over and above the advantages of the said rail road, to such proprietor or proprietors, shall be fully and completely compensated for in damages when ascertained; for such damages, when ascertained as aforesaid, if they be not paid to the party or parties entitled to the same, or into the court by the company, during the term at which the report shall be confirmed, the clerk of the said court, at any time after the adjournment of the court, on the application of the party or parties entitled to the said damages, or his her or their attorney, shall issue an execution for the amount of said damages, against said company; which may be legally issued against a corporation or a judgment for money.